



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of)
ROGER P. EKINS)
Application No. 08/447,820)
Filed: May 23, 1995)
For: DETERMINATION OF AMBIENT)
CONCENTRATION OF SEVERAL)
ANALYTES)

Examiner: M. Woodward, Ph.D.
Group Art Unit: 1815

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**SUBMISSION UNDER 37 C.F.R. §1.129 AND
REQUEST FOR WITHDRAWAL OF FINAL REJECTION**

In response to the Advisory Action dated December 10, 1997, applicant makes the present submission which, in accordance with the provisions of PTO Rule 129 is to be entered and considered on the merits after final rejection, as this submission is being filed along with the fee set forth in PTO Rule 1.17(r) prior to the filing of an appeal brief and prior to abandonment of this application.

As part of the submission, applicant respectfully requests amendment of the above-identified application as follows:

Amend the specification as set forth in the attached Schedule B1.

Amend the claims as set forth in the attached Schedule B2.

REMARKS

Preliminarily, it is noted that in the December 10, 1997 Advisory Action, applicant's amendments in response to the September 2, 1997 Official Action were refused entry. Among the reasons for non-entry of those amendments, the Examiner stated that the amendment to the specification constitutes new matter. Applicant respectfully takes exception to the Examiner's position in this regard. All that the prior specification amendment entailed was shifting a single paragraph of text in the specification from pages 5-6 to page 8, dividing the one paragraph into two and inserting a

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